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October 31, 2020

VIA ECF

Honorable Stewart D. Aaron, U.S.M.J.
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Rouviere v. DePuy Orthopaedics, et al.
Civil Action No. 1:18-cv-4814 (LJL-SDA)

Dear Judge Aaron:

We represent Defendant Howmedica Osteonics Corp. ("HOC") in the above-referenced action. We write to respond to Plaintiffs' October 29, 2020 letter request (ECF No. 198) for an extension of time to respond to co-defendant DePuy's motion for summary judgment.

Although HOC is not a party to DePuy's summary judgment motion,¹ Plaintiffs' request for a briefing extension affects HOC because, despite this Court's clear ruling that the identity of Plaintiffs' engineering expert is confidential for reasons set forth in HOC's motion to disqualify, and that the expert should not be identified on the public docket (*see* ECF Nos. 169, 197), Plaintiffs continue to identify the expert by name and have done so in three places in the second paragraph of their letter motion. HOC respectfully requests that the Court seal Plaintiffs' letter motion, and in the event the Court requires the letter motion to be refiled publicly, HOC requests that Plaintiffs be ordered to redact all references to the expert's name before re-filing the letter on the public docket.

Respectfully submitted,

s/Paul E. Asfendis
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¹ HOC notes that the deadline for Daubert and summary judgment motions is thirty days after the close of all discovery per the initial scheduling order in this matter (ECF No. 57), and reserves all rights to move for such relief at the appropriate time.

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Attorneys for Defendant

Howmedica Osteonics Corp.

cc: All counsel of record via ECF

ENDORSEMENT: The Court has placed Plaintiffs' Letter Motion filed at ECF No. 198 under seal. No later than Monday, 11/2/2020, Plaintiffs shall re-file on the public docket their Letter Motion with the name of the engineer expert redacted. SO ORDERED.

Dated: 10/31/2020

A handwritten signature in blue ink, appearing to read "Stewart D. Aaron".